IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

WP(C).No. 13687 of 2006(D)

PETITIONERS:

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1. K. VASAVA PANICKER,
   POOTHARA KIZHAKINEZHATHU HOUSE,
   THANNERMUKKOM P.O., CHERTHALA.

2. DEENA PANICKER,
   POOTHARA KIZHAKINEZHATHU HOUSE,
   THANNERMUKKOM P.O., CHERTHALA.

BY ADV. SRI.K.KARTHIKEYA PANICKER
SMT.DAYA K. PANICKER

RESPONDENTS:

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1. THE SPECIAL SALES OFFICER/
   SENIOR OFFICER OF CO-OPERATIVE SOCIETIES,
   CARD BANK LTD. NO.A-327, CHERTHALA, ALAPPUZHA.

2. CHERTHALA CO-OPERATIVE AGRICULTURE AND
   RURAL DEVELOPMENT BANK LTD.NO.A-327, REPRESENTED
   BY THE SECRETARY, CHERTHALA, ALAPPUZHA.

BY SENIOR GOVT. PLEADER SRI.P.N.SANTHOSH.
BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.PETER JOSE CHRISTO

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) 13687/2006

APPENDIX

Ext.P1	True copy of the petition dated 30.11.2006
Ext.P2	True copy of the Order dated 9.1.2006.
Ext.P3	True copy of the letter dated 10.5.2006 issued by the first respondent.
Ext.P4	True copy of the notice dated 10.5.2006 issued by the first respondent.

//true copy//

P.A. to Judge.

J.M. JAMES, J.

W.P.(C) No. 13687 of 2006

Dated this the 5th December, 2006.

J U D G M E N T

The writ petitioners availed loan from the second respondent bank for construction of the house. But the house construction could not be completed in time, and, the re-payment was also not made. The matter is pending for payment to the second respondent, bank. The sale of the property is proclaimed by the first respondent, Sales Officer, for the second respondent Bank. Therefore, the writ petitioners are before this Court.

2. I heard both sides. The learned counsel appearing for respondents 1 and 2 submitted that an amount of Rs.3,45,802/= is due to the Bank, as on 1.4.2006. Counsel for the writ petitioners submit that they have made different remittances and the same has not been included and deducted in calculating the total amount due to the petitioners. It is also further submitted that the writ petitioners are prepared to pay the amount, provided, the benefit of one time settlement is extended to them.

3. In the above facts situation, I dispose of the writ petition directing the writ petitioners to file a representation within 10 days from today to the second respondent. The latter shall hear the writ petitioners and fix the amount to them. The facilities available under Circular No.27/2006 dated 29.6.2006 shall also be given to them. This shall be done within one month from the date of receipt of the representation.

4. There shall be a stay of all further proceedings initiated against the petitioners by respondents 1 and 2 for a period of one month from today.

J.M. JAMES,
JUDGE

nj.